

High court expands access to drug courts

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TRENTON — The state Supreme Court on Wednesday expanded access to drug courts, ruling that even nonviolent addicts with prior convictions can avoid prison by entering drug treatment programs.

The 6-0 decision broadened the definition of who may enter drug courts from the more strict parameter of only those drug-addicted defendants with no previous convictions and who are bound for jail time.

"We are elated. . . . This decision has broadened the access to treatment for those who are nonviolent and substance-abusing offenders," said state Public Defender Yvonne Smith Segars, who represented the Warren County man at the center of the decision.

He is Jason Meyer, married and the father of two children, who at age 25 in 2004 had spent a fifth of his life behind bars after gobbling up drugs, alcohol and other narcotics, starting before he had turned 10 years old.

Meyer had been arrested on charges of possession of drugs with intent to distribute and shoplifting.

Prosecutors refused Meyer entry into drug court, saying he had prior convictions — in 2003 for bringing a stolen car into the state, in 1999 for car theft and in 1998 for theft and receiving stolen property — and thus was not a candidate for a consideration called "special probation."

A Superior Court judge disagreed, sending Meyer to the special court. The state ap-

pealed, and the case reached the high court.

The Ocean County Prosecutor's Office argued the state's position before the Supreme Court that only the criteria in the statute should apply in determining whether a defendant qualifies for drug court, and that the statute disqualifies repeat offenders convicted of anything but drug-possession charges.

"We argued the legislation authorizing the creation of special drug courts, if strictly applied to this defendant, would render him ineligible for participation in this program," Ocean County Prosecutor Marlene Lynch Ford said in a statement.

"Drug courts are an alternative to incarceration and, as such, participation in the program is a privilege," Ford said. "While sympathetic to the plight of people like Mr. Meyer, we in law enforcement are nonetheless obligated to enforce the laws as written."

However, Justice Barry Albin wrote in the decision, "It is inconceivable that the Legislature granted a trial court power to impose a probationary sentence, but not the power to attach the one condition necessary to address the offender's desperate needs — a drug-rehabilitation program."

Albin noted an earlier court decision that said, "A court should strive to avoid statutory interpretations that lead to absurd or unreasonable results."

Albin concluded, "The trial court was vested with the discretion to admit defendant into drug court."

Ford agreed the drug courts are a success, saying Ocean and Warren counties brought the case in order to seek clarity about which offenders are eligible for drug courts.

"We welcomed the opportunity to bring this issue before the Supreme Court for clarification," Ford said.

"We are committed to ensuring uniformity and fairness in the application of the law."

"The court has decided there are more ways to get treatment, and more ways to go to drug court," said Smith Segars, who pointed to data showing offenders graduated from drug courts overwhelmingly tended to avoid further scrapes with the law.

Ford said she expects more defendants will qualify for drug court as a result of the decision.

"We will need to devote more resources to this effort," she said. "This office will fully support any effort to expand the use of drug court as a sentencing alternative."

New Jersey drug courts began on a pilot basis in 1997. They went statewide and became part of the justice system in 2001.

"Right now, we have 2,900 people in drug court, and I really think this number is going to increase," Smith Segars said, noting some 7,300 offenders have gone through those courts. "This is a good thing for public policy. It is a good decision for public safety. Incarceration is not always the best outcome."

The Ocean County Prosecutor's Office got involved in the appeal at the behest of the Warren County prosecutor and because it had handled a 2005 appeal, *State v. Matthews*, in which the Appellate Division of state Superior Court ruled that a defendant could not be sentenced to drug court under general sentencing guidelines if he did not meet the qualifications spelled out in the statute covering drug court criteria.



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